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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 CARY J. PICKETT,

11 Petitioner,

12 vs.

13 SCILLIA, *et al.*,

14 Respondents.
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Case No. 2:11-cv-01942-JCM-VCF

ORDER


17 This closed action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C.
18 § 2254, by a Nevada state prisoner. On July 2, 2014, the court entered an order denying the petition
19 in its entirety. (ECF No. 21). Judgment was entered on July 2, 2014. (ECF No. 22).

20 Petitioner has filed a motion for reconsideration of this court's denial of his application to
21 proceed *in forma pauperis* as moot. (ECF No. 23). The court denied the *in forma pauperis*
22 application as moot because petitioner had already made payment of the filing fee for this action.
23 (ECF No. 6). In challenging an interlocutory order, a district court may rescind, reconsider, or
24 amend a previous order pursuant to its inherent power to modify interlocutory orders before the
25 entry of final judgment. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d
26 882, 886-87 (9th Cir. 1987). In his motion for reconsideration, petitioner argues that this court
27 should not have denied his application to proceed *in forma pauperis* as moot, because he sought
28 leave to proceed *in forma pauperis* on appeal. Petitioner was afforded the opportunity to proceed *in*

1 *forma pauperis* on appeal and the court of appeals has denied petitioner's request for a certificate of
2 appealability. As such, petitioner's motion for reconsideration is denied.

3 **IT IS THEREFORE ORDERED** that petitioner's motion for reconsideration (ECF No. 23)
4 is **DENIED**.

5 Dated November 25, 2014.

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8 UNITED STATES DISTRICT JUDGE
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